

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Martin S. Gottesfeld, pro se, Plaintiff - against - Hugh J. Hurwitz, et al., Defendants	Case No.: <u>18-cv-10836-PGG-GWG</u>
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PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO FILE HIS
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS (D.E. 51)

Plaintiff Martin S. Gottesfeld (herein "plaintiff"), acting pro se, hereby moves The Honorable Court for an extension of time to file his opposition to the defendants' motion to dismiss (D.E. 51). The plaintiff now requests an extension to Tuesday, November 12th, 2019, in order to file his opposition. In support of this motion, the plaintiff herewith provides Exhibit 1 hereto, Declaration of Martin Gottesfeld, and he requests that The Court take judicial notice thereof pursuant to Fed. R. Evid. 201(c)(2).

Respectfully mailed pursuant to Houston v. Lack, 487 U.S. 266 (1988) on Monday, October 20th, 2019, in an envelope bearing sufficient affixed pre-paid first-class U.S. postage and U.S. Postal Service tracking number 9114 9023 0722 4291 7454 77, handed to Ms. J. Wheeler of the FCI Terre Haute CMU unit team in her official capacity as an agent of the defendants at the next opportunity,

by 

Martin S. Gottesfeld, pro se

Reg. No.: 12982-104

Federal Correctional Institution

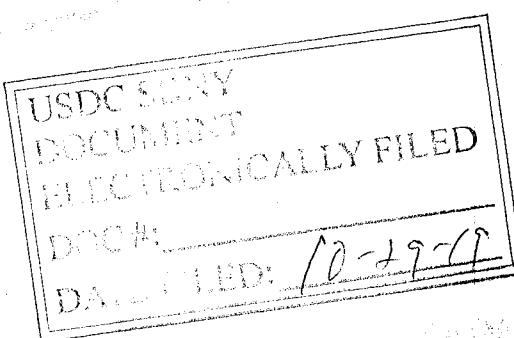
P.O. Box 33

Terre Haute, IN 47808

DO NOT PROSE

2019 OCT 29

S.D. NY



CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, hereby certify that on Monday, October 20th, 2019, I mailed a copy of the foregoing document to counsel for the defendants in the above-captioned case by handing said envelope to Ms. J. Wheeler of the FCI Terre Haute CMU legal team in her official capacity as an agent of the defendants, pursuant to Houston v. Lack, 487 U.S. 266 (1988), at the next opportunity,

by: 

Martin S. Gottesfeld, pro se

Declaration of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, do hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief on this 20th day of October, 2019, and I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 the following is true and correct:

1. My name is Martin S. Gottesfeld and I am the sole plaintiff in the case of Gottesfeld v. Hurwitz, 18-cv-10836-PGG-GWG pending before The Honorable U.S. District Court for The Southern District of New York (herein "the case").

2. Today, federal inmate Robert Kenneth Decker (federal registration number 51719-074), acting in what I can only assume is his official capacity as an agent of the defendants in the case, announced that the commissary delivery that was supposed to occur last week but did not will not be made up this week and that we will not receive this week's commissary order either due to renovations ongoing in the commissary building.

3. Later, we were assured that there is some hope of a delivery this week after all, but I find it unlikely.

4. As I have previously noted in my last motion for an extension, we also missed two (2) weeks of commissary deliveries last month, September, and one of the recent week's deliveries which was made was missing critical supplies due to commissary shortages.

5. This effectively places me five (5) weeks behind schedule on delivery of key supplies in order to file my opposition to the motion to dismiss filed in the case as docket entry 51 by the defendants.

6. The FCI Terre Haute commissary department employees are agents of the defendants in the case.

7. I have no other means of obtaining the supplies I need because others are just as depleted, if not more so, than me.

8. There have been frequent lock downs over the last week or so, but they have usually been short in duration and if it were only for these lockdowns and not the commissary delivery problem I believe that I would be able to mail my opposition by my previous goal of October 29th, 2019.

9. That being said, further lockdowns also pose a potential problem to my ability to file my opposition to docket entry 51 in the case.

I declare that the foregoing is true and correct under penalty of perjury. Executed on October 20th, 2019.

by: 
Martin S. Gottesfeld

